

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 12-28 are pending. Claims 12 and 19 are amended, and claim 20-28 are added. Claims 12 and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claim 16-19 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base and any intervening claims.

The Applicants thank the Examiner for the early indication of allowable subject matter in this application. As described below, rather than rewriting any of claims 16-19 in independent form at this time, independent claim 12 is amended, and independent claim 21 is added to set forth novel combinations of elements not taught or suggested by the cited reference. Accordingly, independent claims 12 and 21 and dependent claims 13-20 and 22-28 are believed to be in condition for allowance.

Claim for Priority

The Examiner has recognized the Applicants' claim for foreign priority.

Acknowledgement of Information Disclosure Statement

The Examiner has acknowledged the Information Disclosure Statement filed on August 28, 2003.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 12-19 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, claims 12 and 19 are amended herein to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. §102(b)

Claims 12-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Russo (U.S. 5,417,044). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 12 is amended herein to recite a combination of elements in a beach cleaner, including the grating portion being bent at an intermediate position supported by a support rod extending in the transverse direction, the front portion and the rear portion sloping downwardly from opposite sides of the support rod.

Support for the grating portion 22 being bent at an intermediate position supported by a support rod 21 extending in the transverse direction, the front portion 22 and the rear portion 23 sloping downwardly from opposite sides of the support rod 21, can be found in the specification, for example in paragraph [0031]. See also FIGS. 4 and 7.

In addition, independent claim 21 is added herein to recite a combination of elements in a beach cleaner, wherein an angle of the reticulate portion relative to a horizontal plane is set smaller than the angle of the front portion of the grating portion relative to the horizontal plane.

Support for an angle of the reticulate portion 29 relative to a horizontal plane is set smaller than the angle of the front portion 22 of the grating portion relative to the horizontal plane, can be found in the specification, for example in paragraph [0034]. See also FIGS. 4, and 7.

Applicants respectfully submit that the combinations of elements set forth in independent claim 12 and 21 are not disclosed or made obvious by the prior art of record, including Russo.

Applicants respectfully submit that Russo fails to teach or suggest the grating portion being bent at an intermediate position supported by a support rod extending in the transverse direction, the front portion and the rear portion sloping downwardly from opposite sides of the support rod (as set forth in independent claim 12 of the present invention), or an angle of the reticulate portion relative to a horizontal plane is set smaller than the angle of the front portion of the grating portion relative to the horizontal plane (as set forth in independent claim 21)

In view of the above described amendments and arguments, the Applicants respectfully submit that the combination of elements as set forth in each of independent

claims 12 and 21 is not disclosed or made obvious by the prior art of record, including Russo, at least for the reasons explained above.

Therefore, independent claims 12 and 21 are in condition for allowance.

The Examiner is advised that dependent claims 20 and 22-28 are added herein.

All dependent claims of this application are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

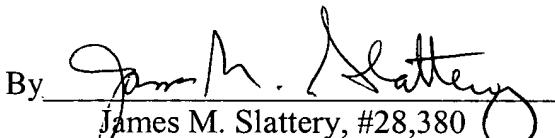
*Application No. 10/649,863
Amendment dated April 7, 2004
Reply to Office Action of January 7, 2004*

*Docket No. 0505-1216P
Art Unit: 3671
Page 11 of 11*

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery, #28,380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT/ags